

Application No. 09/876,414
Filed: June 7, 2001
TC Art Unit: 2662
Confirmation No.: 7292

REMARKS

In response to an Office Action mailed on December 30, 2004, Applicant respectfully requests that the above-listed amendments be entered and the Application be reconsidered. With entry of the above-listed amendments, claims 1, 5, 8, 11, 15, 18 and 21 are amended and claims 6-7, 14, and 19-20 are canceled without prejudice. Thus, 19 claims are presented for examination. Of these, claims 1, 11 and 15 are independent, and the remaining claims are dependent.

Applicant notes that the Examiner considered documents listed in Applicant's Information Disclosure Statement (IDS) filed September 17, 2001. Applicant filed a supplemental IDS on September 28, 2004, i.e. before the mailing date of the above-referenced Office Action, which is the first Office Action regarding this Application. In a telephone call from George Jakobsche of this office, the Examiner indicated that he had not yet considered the documents cited in the supplemental IDS, but that he would do so while considering this Amendment. Because the supplemental IDS was filed prior to the mailing of the first Office Action, i.e. in conformance with 37 C.F.R. 1.97(b)(3), Applicant respectfully requests that the Examiner consider the

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documents cited in the supplemental IDS without requiring payment of a fee, as under 37 C.F.R. 1.97(c) or (d).

Applicant notes with appreciation the Examiner's identification of patentable subject matter in claims 7-9, 18, 20, 21 and 22. These claims were objected to for depending from a rejected base claim. Applicant has therefore amended claim 1 to incorporate the limitations of claims 6 and 7, and has amended claim 15 to incorporate the limitations of claims 19 and 20. Claims 6, 7, 19 and 20 have been canceled, and claims 8 and 21 have been amended to depend from claims 1 and 15, respectively. Claim 18 has been amended to stand as an independent claim, incorporating the limitations of claim 15, from which claim 18 formerly depended. Thus, independent claims 1, 15 and 18 are now believed to be in condition for allowance, as are claims 2-5 and 8-10, which depend from claim 1, and claims 16, 17 and 21-24, which depend from claim 15.

Claims 1-4, 6, 10, 11, 13-17, 19 and 23 were rejected under 35 U.S.C. 102(e) over US Patent 6,442,134 to Mitchell, while claims 12 and 24 were rejected under 35 U.S.C. 103(a) over Mitchell. While disagreeing with the grounds of rejection, Applicant has amended independent claims 1 and 15, as noted above, in the interest of expediting prosecution, to incorporate the

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limitations of dependent claims that were found to recite patentable subject matter. Therefore, claims 1 and 15, as amended, are believed to be patentable. In view of the patentability of the independent claims, dependent claims 2-5, 8-10, 16, 17 and 21-24 are believed to be patentable, for at least the reasons given for the respective independent claims.

Applicant has similarly amended independent claim 11 to incorporate the limitations of claim 14, now canceled, and the limitations of claim 7. As claim 7 was deemed to recite patentable subject matter, claim 11 as amended is also believed to be patentable. In view of the patentability of claim 11, claims 12 and 13, which depend from claim 11, are believed to be patentable, for at least the reasons given for claim 11.

Claim 5 was rejected under 35 U.S.C. 112, for providing insufficient antecedent basis for a claim limitation. Applicant has amended claim 5 in order to clarify the claim language without narrowing the scope of the claim. The amended claim is now believed to meet the requirements of 35 U.S.C. 112.

Applicant believes the amendments and remarks stated above to be fully responsive to all of the objections and grounds of rejection raised by the Examiner. In view of these amendments and remarks, all the claims in the present patent application

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are believed to be in condition for allowance. Prompt notice to this effect is respectfully requested.

The Examiner is encouraged to telephone the undersigned attorney to discuss any matter that would expedite allowance of the present application.

Respectfully submitted,

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